

4/27/05

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

YUKIO KUSADA,)	
Plaintiff)	
)	
v.)	
)	Civil Action No.: 05-30043-MAP
BERKSHIRE EAST SKI RESORT,)	
UNION TERMINAL PIERS, INC.,)	
and)	
NORTHFIELD MOUNT HERMON)	
SCHOOL,)	
Defendant and)	
Third Party Plaintiff)	
)	
v.)	
)	
TAKERU KUSADA)	
Third Party Defendant)	

JOINT RULE 16.1 STATEMENT

The parties in this action submit the following Joint Statement pursuant to Local Rule 16.1 and the Court's Order of March 1, 2005:

1. Proposed Discovery Plan:

- a. Automatic disclosure statements and discovery shall be served on or before April 28, 2005.
- b. All interrogatories and request for production of documents shall be served by July 28, 2005. All expert interrogatories and request for production of documents shall be served by October 28, 2005.
- c. Any amendments pursuant to Fed. R. Civ. P. 15 shall be made by June 30, 2005.
- d. All depositions, excluding those of medical witnesses and experts, shall be completed by November 30, 2005.

- e. Depositions of medical witnesses and experts shall be completed by January 31, 2006.
- f. A final pre-trial conference shall be scheduled after decisions are rendered on a motion for summary judgment which shall be filed on or before February 28, 2006.

2. Number of Depositions:

- a. Plaintiff intends to take the deposition of the person(s) most knowledgeable about the defendants' policies and procedures concerning issues involved in this case, medical providers who have treated the plaintiff, and other fact witnesses as their names are discovered, any witnesses the defendant lists now or in any subsequent filing with the court and the keepers of records as these depositions become necessary. In addition, the plaintiff intends to take the depositions Yuki Hasegawa. Mr. Hasegawa is believed to be a senior at defendant, Northfield Mount Herman School. It is requested that Mr. Hasegawa's deposition be scheduled within the first two weeks of May as it is believed that Mr. Hasegawa is a resident of Japan, and as a senior in high school, may very well be leaving the country following his graduation from Northfield Mount Herman School. It is expected that there are other twelfth graders who were participating in the ski class which the plaintiff was in at the time of his injury and plaintiff requests that defendant, Northfield Mount Herman School, produce the names of the members of the ski class by May 10, 2005, so that the depositions of these individuals can be taken prior to their graduation from the school.
- b. The defendants, Berkshire East Ski Resort and Union Terminal Piers, Inc., intend to take the deposition of plaintiff, Yukio Kusada, but cannot now determine the identity of the other individuals to be deposed until initial discovery is completed and the plaintiff identifies witnesses with knowledge of the accident referred to in the complaint and witnesses to support his claims.
- c. The defendant, Northfield Mount Hermon School, intends to take the depositions of plaintiff, Yukio Kusada, Takeru Kusada and Mari Kusada, but cannot now determine the identity of the other individuals to be deposed until initial discovery is completed and the plaintiff identifies witnesses with knowledge of the accident referred to in the Complaint and witnesses to support his claims.

3. Consent to Trial by Magistrate:

- a. The parties do not consent to a trial by Magistrate.

4. Proposed Schedule for Motions:

- a. All dispositive motions are to be filed by February 28, 2006.

5. Designation of Experts:


- a. Expert witnesses shall be identified by December 1, 2005.

6. Final Pre-Trial Conference:

- a. The Final Pre-Trial Conference shall be scheduled after all dispositive motions are heard.

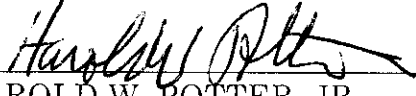
Respectfully submitted,

YUKIO KUSADA, Plaintiff
By His Attorneys
Breakstone, White-Lief & Gluck, P.C.



RONALD E. GLUCK
BBO #196950
Breakstone, White-Lief & Gluck, P.C.
Two Center Plaza
Suite 530
Boston, MA 02108-1906
(617) 723-7676

NORTHFIELD MOUNT HERMON
SCHOOL,
Defendant/Third Party Plaintiff
By its Attorneys



HAROLD W. POTTER, JR.
BBO #404240
Holland & Knight, LLP
10 St. James Avenue, 11th Floor
Boston, MA 02116
(617) 523-2700

BERKSHIRE EAST SKI RESORT,
UNION TERMINAL PIERS, INC.,
Defendant/Third-Party Plaintiff
By its Attorneys,



David B. Mongue
BBO #351780
Donovan & O'Connor, LLP
1330 Mass MoCA Way
North Adams, MA 01247
(413) 663-3200

Dated: April 28, 2005